

**IN THE DISTRICT COURT, JOHNSON COUNTY, KANSAS
CIVIL DEPARTMENT**

James A. Denning,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	Ch. 60
Cypress Media, LLC, d/b/a Kansas City Star and)	
Steve Rose)	
Defendant.)	
)	

PETITION

Plaintiff, Kansas Senator James A. Denning for his cause of action against the Defendants, Cypress Media, L.L.C., d/b/a The Kansas City Star and its columnist, Steve Rose, states and alleges as follows:

PARTIES

1. Kansas Senator James A. Denning (“Senator Denning”) is a resident of Overland Park, Johnson County, Kansas. Senator Denning is currently a member of the Kansas Senate and serves as the Majority Leader of the Kansas Senate.

2. Defendant Cypress Media, L.L.C. d/b/a The Kansas City Star (“The Kansas City Star”) is the publisher of a newspaper known as “The Kansas City Star.” The Kansas City Star’s principal place of business is in Kansas City, Jackson County, Missouri. Defendant can be served by serving its registered agent, The Corporation Company, 120 S. Central Avenue, Clayton, Missouri 63105.

3. Defendant Steve Rose (“Rose”) is a resident of Mission Hills, Johnson County, Kansas. He is employed as a columnist for The Kansas City Star. Defendant Rose can be served by personal service at his home in Mission Hills, Johnson County, Kansas.

JURISDICTION AND VENUE

4. Jurisdiction is proper pursuant to K.S.A. 60-308.
5. Venue is proper as to Defendant Rose pursuant to K.S.A. 60-603.
6. Venue is proper as to The Kansas City Star pursuant to K.S.A. 60-604 or K.S.A. 60-605.

INTRODUCTION

On Saturday, January 26, 2019, The Kansas City Star published a false and defamatory article written by Kansas City Star columnist Steve Rose titled “*Why hasn’t Kansas expanded Medicaid? This GOP leader has a long list of excuses.*” In the article, Rose falsely attributes statements in the article to Kansas Senate Majority Leader Denning though the two have not spoken in 2 ½ years.

After Rose was confronted about the statements falsely attributed to Senator Denning, Rose attempted to conceal his wrongdoing by offering that if Senator Denning’s staff would drop the issue, Rose would resign from The Kansas City Star. Specifically, Rose wrote to Senator Denning’s Chief of Staff offering “I would like to make this suggestion. Let it drop, and I will resign my column in The Star, effective today.” (See Rose email, Jan. 26, 2019 at 3:51 pm attached as Ex. A).

Rose initially submitted the column without citation to a source for the statements. The editor required Rose to cite a source. Rose was faced with the pressure of a looming deadline so Rose gave his editor Senator Denning’s name though he knew citing to Senator Denning was attributing statements to Senator Denning that he did not make. In retrospect, Rose has admitted he should have “killed the column.” Rose and The Kansas City Star knowingly and recklessly disseminated the article containing statements they falsely attributed to Senator Denning. The

article has now gone viral and misled the public and caused significant damage to Senator Denning.

FACTS

1. Defendant Rose is a columnist for The Kansas City Star newspaper.
2. On Saturday, January 26, 2019 the Kansas City Star published an article written by Rose titled “*Why hasn’t Kansas expanded Medicaid? This GOP leader has a long list of excuses.*” (A copy of the print edition of the article is attached as Ex. B).
3. Rose’s article appeared on page 7A of the Saturday, January 26, 2019 edition of The Kansas City Star and was also disseminated by electronic media by The Kansas City Star. The article has now gone viral and has been further disseminated by further publication and sharing numerous times.
4. The article falsely attributes numerous statements to Senator Denning despite the fact that Rose did not interview Senator Denning for the article. In fact, the last time Rose and Senator Denning spoke was 2 ½ years ago, in August 2016.
5. Rose knew the statements were falsely attributed to Senator Denning because Rose did not interview Senator Denning for the January 26, 2019 article.
6. The article written by Rose and published by the Kansas City Star contains numerous false statements which have exposed Senator Denning to public hatred, contempt and ridicule. (For example, See, email attached as Ex. C.)
7. Despite the fact Senator Denning and Rose have not spoken in the past 2 ½ years, Rose falsely attributed multiple statements to Senator Denning.

8. Rose wrote, “One powerful conservative Republican leader in the Kansas Senate [Senator Denning], who has fought the expansion of Medicaid, finally confessed to me his reasons for rejecting it. His explanation, which I will get to in a moment is pathetic.”

9. Rose’s claim that Senator Denning “finally confessed” to Rose is clearly false because they have not spoken since August 2016.

10. Rose wrote, “Jim Denning, the Kansas Senate majority leader, never brought up Obama as the reason for his resistance. Instead, he recited a plethora of ill-conceived notions, which may have a kernel of truth, but which ultimately fail the overall logic test.” Again, Rose’s statement is false. He did not interview Senator Denning and the comments attributed to Senator Denning were never spoken by Senator Denning.

11. Rose wrote “some of his reasons are just plain ugly. Denning, a Republican from Overland Park, started out by declaring that America does not need another entitlement program, and that we never should have passed Medicaid in the first place.” Senator Denning did not make this statement to Rose. Senator Denning was not interviewed by Rose for the article.

12. Rose further wrote, “He [Senator Denning] said it is widely known by physicians that Medicaid patients often do not show up for their appointments, thus robbing other patients of those hard-to-get time slots. The senator said he resents able-bodied Kansans, regardless of their income, who abuse the system by accepting free medical care when they refuse to work.” Senator Denning did not make these statements to Rose.

13. Rose falsely reported in his article that “he [Senator Denning] also claimed even today, that Kansas cannot afford the \$14 million per year it would need to spend as its share of the overall costs of Medicaid expansion for the 150,000 recipients.”

14. The \$14 million figure was not known to Senator Denning until it was reported to the Joint Budget Committee by Larry Campbell, Kansas Budget Director on January 17, 2019. Senator Denning and Rose had no discussions between January 17, 2019 and the publication of the article on January 26, 2019.

15. It is impossible for Rose and The Kansas City Star to have a good faith basis to claim that Senator Denning made the comments attributed to Senator Denning in the January 26, 2019 article because Senator Denning and Rose have not spoken since August 2016.

16. Upon information and belief, the Kansas City Star's Code of Ethics prohibits deceiving readers by fabricating news. However, Rose and The Star published the article in a manner that deceived readers as well as others that received the article after it was widely shared on social media platforms.

17. In the article written by Rose and published by The Kansas City Star, there is no disclosure that Rose did not interview Senator Denning for the article and it is not obvious from the article that the statements attributed to Senator Denning were in reality statements conjured up by Rose and the Kansas City Star and falsely attributed to Senator Denning.

18. Rose initially submitted the column for publication without attributing the comments to any specific elected Kansas official.

19. One of the Kansas City Star editors instructed Rose to attribute the comments to some elected official.

20. Rose was up against a deadline. He was under pressure to obtain a source for the statements he conjured up.

21. Rose now realizes he should have "killed the article" but under the deadline pressure, Rose gave the editor the name of Senator Denning though in reality, Rose had not

interviewed Senator Denning for the article. Furthermore, according to Senator Denning's calendar, he has not spoken to Rose in 2 ½ years.

COUNT I

(Defamation)

22. Plaintiff incorporates the preceding paragraphs as if fully restated herein.

23. Rose and The Kansas City Star communicated false information about and attributed to Senator Denning in print and electronic media.

24. The false information communicated by Rose and The Kansas City Start exposed Senator Denning to public hatred, contempt and ridicule.

25. Rose and The Kansas City Star knew the statements attributed to Senator Denning were false and /or were made with reckless disregard.

26. As a direct and proximate cause of the wrongful conduct of the defendants, Senator Denning has suffered damages.

WHEREFORE, Plaintiff Senator Denning prays for judgment against Defendants Steve Rose and The Kansas City Star for an amount exceeding \$75,000.00 and for his costs incurred herein and for such other and further relief as this Court deems appropriate and just under the circumstances.

JURY DEMAND

Plaintiff requests a trial by jury on all claims so triable.

Respectfully submitted,

/s/ Michael J. Kuckelman

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